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SENATE BILL 1024

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; REQUIRING ALCOHOL AND DRUG TESTING AND REPORTING BY HEALTH CARE PROVIDERS FOR PERSONS INVOLVED IN COLLISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. MANDATORY TESTING IN THE EVENT OF A COLLISION RESULTING IN INJURY OR DEATH. --

A. A health care provider who is providing medical care in a health care facility to a person involved in a motor vehicle collision shall perform a blood or urine test on the person to determine the content of alcohol or other drug or intoxicating compound in the person's blood or urine.

B. A health care provider shall report to the state police or to the local law enforcement agency the results of

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1 any tests performed pursuant to Subsection A of this section
2 if:

3 (1) the alcohol concentration in the person's
4 blood meets or exceeds the amounts specified in Section
5 66-8-102 NMSA 1978; or

6 (2) the person's blood or urine contains one
7 or more drugs that are capable of impairing a person's ability
8 to operate a vehicle in a careful and prudent manner.

9 C. The report by the health care provider shall
10 consist of the name of the person being treated, the blood
11 alcohol concentration or drug content disclosed by the test,
12 and the date and time of the administration of the test.

13 D. A health care provider or a health care facility
14 shall not be liable for civil damages or professional
15 discipline as a result of compliance with this section.

16 E. As used in this section:

17 (1) "health care facility" means any program,
18 institution, place, building or agency, private or public,
19 whether organized for profit or not, that is used, operated or
20 designed to provide medical diagnosis, treatment or
21 rehabilitative or preventive care and includes health care
22 facilities that are commonly referred to as hospitals,
23 outpatient clinics, organized ambulatory health care
24 facilities, emergency care facilities and centers, health
25 maintenance organizations and others providing similarly

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1 organized services; and

2 (2) "health care provider" means a person who
3 is licensed, certified or otherwise authorized or permitted by
4 law to administer health care in the ordinary course of
5 business or practice of a profession.

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